THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26379 OF 2005

DATED:12.12.2005

Between:

Shaik Murthuja Ali and others

…Petitioners

And

The Mandal Revenue Officer, Kondapak

Kondapak Mandal, Medak District.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26379 OF 2005

ORDER:

The petitioners state that they have been in occupation of land admeasuring Ac.10.38 gts. in S.No.143 of Marpadga Village, Kondapak Mandal, Medak District. They also applied for grant of patta to the revenue authorities. After conducting necessary enquiry, the Mandal Revenue Officer, Kondapak Mandal, granted pattas on 4.1.1996 and 9.1.1996 subject to conditions laid down in the assignment rules vide G.O.Ms.No.1406, dt.25.07.1958. In the year, 2005 the respondent issued a show cause notice on 15.6.2005 as to why the assignment should not be cancelled. The said show cause notice was issued purportedly under Rule 3 of the A.P.

Assigned Lands (Prohibition of Transfers) Rules, 1977. The petitioners submitted explanation. After considering the explanation, by the impugned order dt.18.11.2005 the respondent cancelled the assignment, assailing which present Writ Petition is filed.

I have heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). The order no where reveals that it is one passed under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act). Be that as it is, by reason of the impugned order, the assignment made in favour of the petitioners in the year 1996 has been cancelled. As per the Board Standing Orders or Section 4-A of the Act, a person aggrieved by the orders of the Mandal Revenue Officer is given a right of appeal to the Revenue Divisional Officer having jurisdiction over the matter. Therefore, it would be in the interest of justice to give liberty to the petitioners to approach the Revenue Divisional Officer and file appeal while ordering status quo for a period of one week from today. This order of status quo is passed to enable the petitioners to obtain further orders to protect their possession pending consideration of the appeal by the appellate authority. There shall be an order in the above terms.

The Writ Petition is accordingly disposed of.

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12.12.2005 (V.V.S.RAO, J)

Note:Issue CC by 13.12.2005.

(B.O)

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